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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,201	01/16/2002	Michael William Murphy	9600010.APP	6294
37211	7590	07/01/2005	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/050,201	MURPHY, MICHAEL WILLIAM
	Examiner Truc T Chuong	Art Unit 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/24/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This communication is responsive to Amendment, filed 04/13/05.

Claims 1-20 are pending in this application. Claims 1 and 9 are independent claims. In this communication, claims 1, 6, and 9 are amended. This is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### *Claim Rejections - 35 USC § 102*

1. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota et al. (U.S. Patent No. 5,956,021).

As to claim 1, Kubota teaches a method of character-by-character data entry that is displayed on a screen through sequential selection of characters of a collection of characters by a human user comprising:

providing a plurality of display windows on the display (e.g., col. 6 lines 30-50, and figs. 7 & 21);

defining character groups of the collection of characters, each character group to be displayed in a display window on a time variable basis (e.g., col. 3 line 43-col. 4 line 20; the touch pen is determined by the timer when drawing/dragging a character (e.g. col. 11 lines 58-65), and only representative keys of each character group are displayed on the initial screen, while each of their subordinates keys are hidden and appear only when their representative key is touched by the pen. Therefore, entire area for keyboards that have to be displayed simultaneously

can be reduced (e.g., col. 17 lines 55-62, and figs. 20A-D). It also means that the display windows of Kubota clearly teach the ability of timing the display as claimed by the applicant);

defining character sets of the collection of characters, each character set including characters from each group for concurrently display (e.g., col. 17 lines 25-62, and figs. 20A-D); successively displaying the characters of each character group in each respective display window for a display time to the user for selection, whereby a character set is simultaneously displayed to the user in the respective plurality of display windows (e.g., col. 17 lines 16-47, and figs. 19B-D & 20B-D);

detecting the selection by the user of a character displayed in a display window during the display time (detecting touch position of a character, e.g., col. 13 lines 27-60, and col. 17 lines 16-47); and

entering the detected character, whereby a user may select characters as they are displayed in the display window and enter data (e.g., col. 3 line 43-col. 4 line 20, col. 13 lines 27-60, col. 17 lines 16-47, and figs. 7 & 21, 19B-D & 20B-D).

As to claim 2, Kubota teaches wherein characters comprise word processing alphanumeric characters and punctuation marks enabling data entry of human language text and mathematical expressions (e.g., col. 17 line 16-col. 18 line 18, and fig. 21).

As to claim 3, Kubota teaches wherein step of displaying the characters of each character group in each respective display window comprises simultaneously displaying a character capable of being selected by the user, a previously displayed character of the character group, and the next to be displayed character of the character group (e.g., col. 17 lines 16-47, and figs. 7 & 21, 19B-D & 20B-D).

As to claim 4, Kubota teaches wherein the user defines the number of the display windows in the step of defining a plurality of display windows (a character designation area for designating types of characters; and a control key area for inputting instructions to control operations of the device, e.g., col. 6 lines 45-50).

As to claim 5, Kubota teaches wherein the user defines the character group in the step of defining character groups (e.g., col. 17 lines 16-47, and figs. 19B-D & 20B-D).

As to claim 6, Kubota teaches the method further comprising the step of defining a character display time for display of each character of each character group in each display window (e.g., col. 4 lines 12-19).

As to claim 7, Kubota teaches wherein the user defines the character display time in the step of defining the character display rate and display time (e.g., col. 3 lines 44-50).

As to claim 8, Kubota teaches wherein the character groups preferably comprise no more than three characters (figs. 13A-J show no more than 3 characters).

As to claims 9-10, they are the equivalent system claims of method claims 1 and 3 respectively and rejected under a similar rationale.

As to claim 11, Kubota teaches wherein the scrolling means comprises:  
means for displaying a character of the character set in each display window or a display time (e.g., figs. 19B-D & 20B-D);  
means for timing out the display time (e.g., col. 4 lines 12-19); and  
means for replacing the character displayed in the display window with the next character in the predetermined order of the characters or each character group upon expiration of the display time (e.g., figs. 19B-D & 20B-D, and the touch pen is determined by the timer when

drawing/dragging a character (e.g. col. 11 lines 58-65), and only representative keys of each character group are displayed on the initial screen, while each of their subordinates keys are hidden and appear only when their representative key is touched by the pen. Therefore, entire area for keyboards that have to be displayed simultaneously can be reduced (e.g., col. 17 lines 55-62).

As to claim 12, Kubota teaches the system further comprising means operable by the user to halt the timing out of the display time and freeze the character display in a display window (the operator can select a desired key from a group of related keys just by controlling the time period between putting the pen onto the tablet and lifting it up from the tablet, e.g., col. 3 lines 46-55).

As to claim 13, Kubota teaches the system of Claim 9, wherein the scrolling means comprises means operable by the user for scrolling a character of each character group into the display window for the character group (e.g., figs. 19B-D & 20B-D).

As to claim 14, Kubota teaches the character displaying means for displaying the characters of each character group in each respective display window comprises means for simultaneously displaying a character capable of being selected by the user, a previously displayed character of the character group, and the next to be displayed character of the character group (e.g., figs. 19B-D & 20B-D).

As to claims 15-18, they are the equivalent system claims of method claims 4-5, and 8. respectively and are rejected under a similar rationale.

As to claim 19, Kubota teaches the system further comprising an advance key usable to advance a character into a character display window in first direction for selection and a back-up

key to return a character into a character display window that has advanced in the first direction past the display window to define the character set of each character group (past touch position storage unit 405 for storing a past touch position; past touch state storage unit 406 for storing a past touching pressure; past touch figure identification information storage unit 407 for storing past identification information of the touch figure as a record number of figure information record 304; shaded figure identification information storage unit 408 for storing figure identification information corresponding to the only shaded key figure; shaded code designation information storage unit 409 for storing designation information of the shaded key code of the figure stored in shaded figure identification information storage unit 408; and provisionally-selected figure temporary storage unit 410 for storing identification information of a plurality of figures provisionally selected in the process of character designation, e.g., col. 7 lines 30-50).

As to claim 20, Kubota teaches the system further comprising a freeze key usable to halt character scrolling and a back-up key to return a character into a character display window that has left the display window (e.g., col. 3 lines 46-55, and back original, col. 19-35).

#### ***Response to Arguments***

2. Applicant's arguments filed 04/13/05 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees with the following reasons:

- a. *Kubota does not teach each character group to be displayed in a display window on a time variable basis.*

Kubota clearly teaches that the touch pen is determined by the timer when drawing/dragging a character (e.g. col. 11 lines 58-65), and only representative keys of each character group are displayed on the initial screen, while each of their subordinates keys are hidden and appear only when their representative key is touched by the pen. Therefore, entire area for keyboards that have to be displayed simultaneously can be reduced (e.g., col. 17 lines 55-62, and figs. 20A-D). It also means that the display windows of Kubota clearly teach the ability of timing the display as claimed by the applicant.

*b. Kubota fails to teach the distinction of character groups and character sets.*

Kubota teaches the character group such as Japanese, Numbers, or Alphabetical English (e.g., figs. 7, 16, and 21), and the character set such as A-E, F-I, or K-O in figs. 20A-D; and the above figs also show the ability of displaying the previous characters and next characters to be displayed on the main screen (figs. 7, 16, and 21).

*c. Kubota fails to teach of scrolling a character of each character group into the display window.*

Kubota teaches the ability of selecting the possible characters from the predetermined list as shown in figs. 20A-D by using the touch pen.

### *Conclusion*

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

06/20/05

BA HUYNH  
PRIMARY EXAMINER